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| 09/460,174      | 12/10/1999  | WALTER WESLEY HOWE   | 99-006              | 2106             |

32127 7590 05/27/2004

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EXAMINER

LELE, TANMAY S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2684

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DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/460,174

Applicant(s)

HOWE, WALTER WESLEY

Examiner

Tanmay S Lele

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 16-19 and 21-25 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 10 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1 – 13, 16 – 19, and 21 – 25 are allowed.
2. Regarding claims 1 – 13, 16 – 19, and 21 – 25, Examiner is in agreement with the remarks set forth in the Applicant's Remarks filed on 23 February 2004 (paper number 23, pages 9 – 11) and 22 December 2003 (paper number 18, pages 14 – 18).

Claims 2 –9 are allowable as being dependent on independent claim 1.

Claims 11 –13, 17, and 18, are allowable as being dependent on claim 10.

Claims 21 – 23 are allowable as being dependent on claim 19.

Claim 25 is allowable as being dependent on claim 24.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 February 2004 has been entered.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

5. Claim 10 is objected to because of the following informalities: "...a hard-wired data unit; connected to said..." (assumed be "...a hard-wired data unit connected to said..."). Appropriate correction is required.

6. Claim 14 is objected to because of the following informalities: "...in communication with said first land based hard-wired terminal an internet based protocol..." (assumed to be "...in communication with said first land based hard-wired terminal *and* an Internet based protocol..."). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski et al (Dynarski, US Patent No. 6,466,571) in view of Dommety et al. (Dommety, US Patent No. 6,078,575).

Regarding claim 14, Dynarski teaches of a telephone system for communicating between a first land based hard-wired terminal and a mobile terminal (Figure 1A), including a server in communication with said first land based hard-wired terminal an internet based protocol network (Figure 1A and column 7, lines 11 –17 and column 8, lines 21 –36) and controlling the Internet based protocol network for determining a temporary local directory number (Figure 1A and column 8, lines 21 – 36) and for using said temporary local directory number to establish

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communication between said first land based hard-wired terminal and said mobile terminal (Figure 1 A and column 8, lines 21 – 36 and column 2, lines 33 –49), without said first land based hard-wired terminal communicating with a second land based hard-wired terminal, through use of said Internet based protocol network and a public switch telephone network (column 8, lines 21 –36 and column 6, lines 43 –56).

Dynarski does not specifically teach of [determining a temporary local directory number] a last serving switch in contact with said mobile terminal (though makes references to such in column 8, lines 24 –33; note brackets are included for clarity in language and that is believed that these limitations were addressed in the above cited art).

In a related art dealing with mobile location management, Dommety teaches of [determining a temporary local directory number] a last serving switch in contact with said mobile terminal (column 2, lines 16 –37 and column 4, lines 6 –15).

It would have been obvious to one skilled in the art at the time of invention to have included into Dynarski's mobile IP wireless communication system, Dommety's location system, for the purposes of reducing time and cost in mobile location determination for call set-up, as taught by Dommety.

Regarding claim 15, Dynarski in view Dommety teach all the claimed limitations as recited in claim 14. Dommety further teaches of wherein said temporary local directory number can come from a standard numbering plan whose numbers are normally dialable, or from a non-standard numbering plan whose numbers are normally not dialable (column2, lines 16 – 38; column 3, lines 7 – 19 and column 1, lines 26 – 46).


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
May 19, 2004

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER